

1-1 By: Huffman S.B. No. 1529
 1-2 (In the Senate - Filed March 11, 2021; March 18, 2021, read
 1-3 first time and referred to Committee on Jurisprudence;
 1-4 April 6, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 3, Nays 2; April 6, 2021,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Huffman	X			
1-9 Hinojosa		X		
1-10 Creighton	X			
1-11 Hughes	X			
1-12 Johnson		X		

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 1529 By: Huffman

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the creation of the Texas Court of Appeals to hear
 1-18 certain cases; authorizing fees.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 ARTICLE 1. TEXAS COURT OF APPEALS

1-21 SECTION 1.01. Section 22.201(a), Government Code, is
 1-22 amended to read as follows:

1-23 (a) The state is divided into 14 courts of appeals districts
 1-24 with a court of appeals of general jurisdiction in each district.
 1-25 The state has one statewide court of appeals district for the Texas
 1-26 Court of Appeals.

1-27 SECTION 1.02. Subchapter C, Chapter 22, Government Code, is
 1-28 amended by adding Section 22.2155 to read as follows:

1-29 Sec. 22.2155. TEXAS COURT OF APPEALS. (a) The Texas Court
 1-30 of Appeals has exclusive appellate jurisdiction over all cases or
 1-31 any matters arising out of or related to a civil case:

1-32 (1) brought by or against the state or a state agency,
 1-33 board, or commission, or by or against an officer of the state or a
 1-34 state agency, board, or commission, other than:

1-35 (A) a proceeding brought under Title 5, Family
 1-36 Code;

1-37 (B) a proceeding brought against an elected
 1-38 official of a political subdivision or the judge of a trial court
 1-39 arising from an act or omission made in the official's or judge's
 1-40 official capacity;

1-41 (C) a proceeding relating to a mental health
 1-42 commitment or a civil asset forfeiture;

1-43 (D) a juvenile case;

1-44 (E) a proceeding brought under Chapter 125, Civil
 1-45 Practice and Remedies Code, to enjoin a common nuisance; or

1-46 (F) a quo warranto proceeding; or

1-47 (2) in which a party to the proceeding files a
 1-48 petition, motion, or other pleading challenging the
 1-49 constitutionality of a statute of this state.

1-50 (b) The court is composed of five justices elected by the
 1-51 qualified voters of the state.

1-52 (c) The court shall sit in the City of Austin, but may
 1-53 transact its business in any county in the state as the court
 1-54 determines is necessary and convenient.

1-55 (d) Except as otherwise provided by this section or a rule
 1-56 adopted by the supreme court under Subsection (e), the following
 1-57 apply to the court in the same manner as to other courts of appeals:

1-58 (1) provisions of this code, including Sections 22.217
 1-59 through 22.228, or other law;

1-60 (2) rules of procedure and appeal; and

2-1 (3) standards of practice relating to precedent and
2-2 authority from the supreme court and other courts of appeals.

2-3 (e) The supreme court shall adopt rules to:

2-4 (1) provide for the administration of the Texas Court
2-5 of Appeals as a subject matter jurisdiction court of appeals and
2-6 assist the court in processing appeals filed from the district
2-7 courts, statutory county courts, and county courts of the state;
2-8 and

2-9 (2) set court costs and fees for the court.

2-10 SECTION 1.03. Section 22.216, Government Code, is amended
2-11 by adding Subsection (n-1) to read as follows:

2-12 (n-1) The Texas Court of Appeals consists of a chief justice
2-13 and of four justices holding places numbered consecutively
2-14 beginning with Place 2.

2-15 SECTION 1.04. Section 22.220(a), Government Code, is
2-16 amended to read as follows:

2-17 (a) Each court of appeals of general jurisdiction has
2-18 appellate jurisdiction of all civil cases within its district of
2-19 which the district courts or county courts have jurisdiction when
2-20 the amount in controversy or the judgment rendered exceeds \$250,
2-21 exclusive of interest and costs, other than cases over which the
2-22 Texas Court of Appeals has exclusive appellate jurisdiction under
2-23 Section 22.2155.

2-24 SECTION 1.05. (a) Except as otherwise provided by this Act,
2-25 the Texas Court of Appeals is created January 1, 2023.

2-26 (b) If the Texas Court of Appeals is created, the initial
2-27 vacancies in the offices of chief justice and justice of the court
2-28 shall be filled by election, and the offices exist for purposes of
2-29 the primary and general elections in 2022.

2-30 SECTION 1.06. (a) On the date the Texas Court of Appeals is
2-31 created, all cases pending in courts of appeals of general
2-32 jurisdiction filed on or after January 1, 2021, and of which the
2-33 Texas Court of Appeals has exclusive jurisdiction are transferred
2-34 to the Texas Court of Appeals.

2-35 (b) When a case is transferred as provided by Subsection (a)
2-36 of this section:

2-37 (1) all processes, writs, bonds, recognizances, or
2-38 other obligations issued from the court of appeals of general
2-39 jurisdiction are returnable to the Texas Court of Appeals as if
2-40 originally issued by that court; and

2-41 (2) the obligees on all bonds and recognizances taken
2-42 in and for a court of appeals of general jurisdiction and all
2-43 witnesses summoned to appear in a court of appeals of general
2-44 jurisdiction are required to appear before the Texas Court of
2-45 Appeals as if originally required to appear before that court.

2-46 ARTICLE 2. CONFORMING AMENDMENTS

2-47 SECTION 2.01. Article 4.01, Code of Criminal Procedure, is
2-48 amended to read as follows:

2-49 Art. 4.01. WHAT COURTS HAVE CRIMINAL JURISDICTION. The
2-50 following courts have jurisdiction in criminal actions:

- 2-51 1. The Court of Criminal Appeals;
- 2-52 2. Courts of appeals of general jurisdiction;
- 2-53 3. The district courts;
- 2-54 4. The criminal district courts;
- 2-55 5. The magistrates appointed by the judges of the
2-56 district courts of Bexar County, Dallas County, Tarrant County, or
2-57 Travis County that give preference to criminal cases and the
2-58 magistrates appointed by the judges of the criminal district courts
2-59 of Dallas County or Tarrant County;
- 2-60 6. The county courts;
- 2-61 7. All county courts at law with criminal
2-62 jurisdiction;
- 2-63 8. County criminal courts;
- 2-64 9. Justice courts;
- 2-65 10. Municipal courts;
- 2-66 11. The magistrates appointed by the judges of the
2-67 district courts of Lubbock County; and
- 2-68 12. The magistrates appointed by the El Paso Council
2-69 of Judges.

3-1 SECTION 2.02. Article 4.03, Code of Criminal Procedure, is
3-2 amended to read as follows:

3-3 Art. 4.03. COURTS OF APPEALS. The Courts of Appeals of
3-4 general jurisdiction shall have appellate jurisdiction coextensive
3-5 with the limits of their respective districts in all criminal cases
3-6 except those in which the death penalty has been assessed. This
3-7 Article shall not be so construed as to embrace any case which has
3-8 been appealed from any inferior court to the county court, the
3-9 county criminal court, or county court at law, in which the fine
3-10 imposed or affirmed by the county court, the county criminal court
3-11 or county court at law does not exceed one hundred dollars, unless
3-12 the sole issue is the constitutionality of the statute or ordinance
3-13 on which the conviction is based.

3-14 SECTION 2.03. Article 44.25, Code of Criminal Procedure, is
3-15 amended to read as follows:

3-16 Art. 44.25. CASES REMANDED. The courts of appeals of
3-17 general jurisdiction or the Court of Criminal Appeals may reverse
3-18 the judgment in a criminal action, as well upon the law as upon the
3-19 facts.

3-20 SECTION 2.04. Section 612.004(f)(2), Government Code, is
3-21 amended to read as follows:

- 3-22 (2) "State agency" means:
- 3-23 (A) a department, board, commission, committee,
- 3-24 council, agency, office, or other entity in the executive,
- 3-25 legislative, or judicial branch of state government, the
- 3-26 jurisdiction of which is not limited to a geographical portion of
- 3-27 the state;
- 3-28 (B) an institution of higher education as defined
- 3-29 by Section 61.003, Education Code; and
- 3-30 (C) a court of appeals as described by Subchapter
- 3-31 C, Chapter 22 [~~Section 22.201~~].

3-32 ARTICLE 3. SPECIFIC APPROPRIATION REQUIRED; EFFECTIVE DATE

3-33 SECTION 3.01. (a) Notwithstanding Section 22.201(a),
3-34 Government Code, as amended by this Act, and Section 22.2155,
3-35 Government Code, as added by this Act, the Texas Court of Appeals is
3-36 not created unless the legislature makes a specific appropriation
3-37 of money for that purpose. For purposes of this subsection, a
3-38 specific appropriation is an appropriation identifying the Texas
3-39 Court of Appeals or an Act of the 87th Legislature, Regular Session,
3-40 2021, relating to the creation of the Texas Court of Appeals.

3-41 (b) Notwithstanding Section 22.220(a), Government Code, as
3-42 amended by this Act, a court of appeals of general jurisdiction has
3-43 the same jurisdiction the court had on December 31, 2021, if the
3-44 Texas Court of Appeals is not created as a result of Subsection (a)
3-45 of this section.

3-46 SECTION 3.02. This Act takes effect January 1, 2022.

3-47 * * * * *